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| 09/534,206 | 03/24/2000 | Shintaro Ichihara | Q58496 | 2978 |

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HO, TUAN V

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| ART UNIT | PAPER NUMBER |
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2615

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/534,206

Applicant(s)

ICHIHARA, SHINTARO

Examiner

Tuan V Ho

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/6/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2615

1. Applicant's arguments filed 10/6/04 have been fully considered but they are not persuasive.

With regard to claim 1, Applicant argues that Safai does not disclose the digital camera receiving image data as set forth in claim 1. In response to the arguments, the examiner notes that Safai discloses in col. 15, lines 27-45, that the camera owner can use camera 100 including communication port 214 and CPU 210 to connect to server 601 so as to transmit and receive any image data at any time from the camera owner's account. As the result, camera 100 including communication section can transmit and receive image data based on the instruction of CPU 210.

With regard to claims 5 and 6, it is noted that camera 100 is connected to server 601 via network; where the camera can transmit and receive any image data from the network as discussed in claim 1.

With regard to claim 4, the combination of Safai and Fukuoka is clearly discussed in paragraph 3 of the last Office action.

For the reasons above, the rejection is repeated.

Art Unit: 2615

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 and 5-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Safai et al (US 6,167,469).

With regard to claim 1, Safai et al discloses in Figs. 6 and 7, an image data processing system that comprises the digital camera having a camera section (camera 100 including image detector 250 is shown in Fig. 2, col.5, lines 29-40), first memory section (storage device 212, col. 6, line 2), first processing means (server 601 and service 602, col. 13, lines 20-35 and col. 14, lines 9-30), second memory (storage device 614, col. 13, lines 31), second processing means (printer 612 inherently includes a processor for processing image data sent from server 601 so as to print the images on a hard copy, col. 13, line 34 and col. 14, lines 30-43); noted that the printer has to convert image data from server 601 into printing data;

Art Unit: 2615

therefore, the printer must have a processor to perform the data conversion), communication apparatus (modems 214, 604 and instruction means (camera instruction to server 601 so as to PSTN 606 and Network 608), has CPU that provides perform a particular processing for printing or addressing, col. 14, lines 1-43), and communication section for the digital camera (communication port 214 and CPU 210, Fig. 2 and col. 15, lines 27-45).

With regard to claim 2, Safai et al discloses in Figs. 6 and 7, a processing system that comprises the second processing means including a print section (printer 212 includes printing mechanism so as to print image data from the server).

With regard to claim 3, Safai et al discloses in Figs. 6 and 7, a processing system that comprises the third memory (printer 212 inherently includes a memory because the printing speed of the printer is always slow in comparison to transmission speed of the server and the memory is used to serve as a buffer to slow down the transmission from the server).

With regard to claim 5, Safai et al discloses in Figs. 6 and 7, a processing system that comprises the camera section (camera 100), image data image data is stored in memory 212), instruction means (CPU 210 instructs server 610 to process image data that can be sent to a printer), second memory (storage

Art Unit: 2615

device 614), and connecting section (communication port 214 and Cpu 210, col. 15, lines 27-45).

With regard to claim 6, Safai et al discloses Figs. 6 and 7, a processing system that comprises the processing device (server 601), digital camera (camera 100), reception means (modem 604 and server 601 include a reception circuit that receives image data from camera 100), memory section storage device 614), output means (server 601 includes an output circuit used to provide image data stored in memory 614 to printer 612 that inherently includes a printing processing to process image data into a printing data) and output means outputs the image data to the digital camera in accordance with instructions from the digital camera (CPU 210 of the camera instructs the server 601 to output the image data to the camera, col. 15, lines 27-45).

With regard to claim 7, Safai et al discloses in Figs. 6 and 7, a processing system that comprises the instruction means (CPU 210).

With regard to claim 8, Safai et al discloses in Figs. 6 and 7, a processing system that comprises the first processing means communicates directly with the digital camera (server 601 directly processes image data from camera 100 without passing through any other image processing circuit, col. 14, lines 9-

Art Unit: 2615

55).

With regard to claim 9, Safai et al discloses in Figs. 6 and 7, a processing system that comprises the instruction means (CPU of camera 100 directly communicates with server 601 without passing through any other server, col. 14, lines 9+).

With regard to claim 10, Safai discloses in Figs. 6 and 7, a processing system that comprises the reception means (modem 604 and server 601 includes a circuit that is used to directly receives image data from the camera without passing through any other server).

With regard to claim 11 and 12, Safai discloses in Figs. 6 and 7, a processing system that comprises the selection means (Safai discloses in col. 15, lines 16-45 that the camera owner can store image data in the server 610 (storage 614) for a distribution purpose; therefore, there must be inherently a selection circuit that is used to select between the storage device 212 and storage 614 so as to distribute the image data).

With regard to claims 13 and 14, Safai discloses in Figs. 6 and 7, a processing system that comprises the display (Safai discloses in col. 15, lines 27-45 that the camera user can retrieve and transmit image data from the camera via photo album; therefore, there must be inherently a display that

Art Unit: 2615

displays image data from the storage 614 in order to retrieve desired image data for printing).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this

Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Safai et al in view of Fukuoka (US 5,754,227).

Safai et al discloses the same subject matter discussed with respect to claims 1-3, except that the system includes a plurality of the second processing means and the camera includes a selecting means.

Safai et al does not explicitly disclose any plurality of except that the system includes a the second processing means and the selecting means of the camera. However, Fukuoka discloses a digital camera that is connected to a plurality of computer system 33 or 34 and printers 35 or 36, col. 4, lines 1-53.

Therefore, it would have been obvious to one of ordinary

Art Unit: 2615

skill in the art at the time the invention was made to incorporate a plurality of printers in the camera system of Safai et al as the same fashion as disclosed by Fukuoka so as to obtain a plurality of second processing means because the incorporation of a plurality of printers in the Safai system would allow a user to select a desired printer to send the pictures for printing.

In the combination, since a user can select a desired printer, there must be a selecting circuit implemented on the camera 100 of Safai so as to select a particular printer and thereby to improve the efficiency of the system.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2615

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN HO whose telephone number is (703) 305-4943. The examiner can normally be reached on Mon-Fri from 7AM to 4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Thai Tran can be reached on (703) 305-4725. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



TUAN HO

Primary Examiner

Art Unit 2615